

## Kunkel, Mark

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**From:** Roy Thilly [RThilly@wppienergy.org]  
**Sent:** Monday, April 12, 2010 1:42 PM  
**To:** Bier, Beth; Lovell, David; Maycroft, John; Stolzenberg, John; Rep.Black; Rep.Soletski; Sen.Miller; Sen.Plale; Peters, Steven; Shannon-Bradley, Summer; Schooff, Dan - DOA; Nelson, Tia - BCPL; Roy Thilly  
**Cc:** Tradewell, Becky; Kunkel, Mark  
**Subject:** Re: Preparation of /2

On certificates. Also committment to community programs.

-----Original Message-----

**From:** "Lovell, David" <David.Lovell@legis.wisconsin.gov>  
**Cc:** Becky Tradewell <Becky.Tradewell@legis.wisconsin.gov>  
**To:** Beth Bier <Beth.Bier@legis.wisconsin.gov>  
**To:** John Maycroft <John.Maycroft@legis.wisconsin.gov>  
**To:** John Stolzenberg <John.Stolzenberg@legis.wisconsin.gov>  
**Cc:** Mark Kunkel <Mark.Kunkel@legis.wisconsin.gov>  
**To:** Rep.Black <Rep.Black@legis.wisconsin.gov>  
**To:** Rep.Soletski <Rep.Soletski@legis.wisconsin.gov>  
**To:** Sen.Miller <Sen.Miller@legis.wisconsin.gov>  
**To:** Sen.Plale <Sen.Plale@legis.wisconsin.gov>  
**To:** Steven Peters <Steven.Peters@legis.wisconsin.gov>  
**To:** Summer Shannon-Bradley <Summer.Shannon-Bradley@legis.wisconsin.gov>  
**To:** Dan - DOA Schooff <dan.schooff@wisconsin.gov>  
**To:** Tia - BCPL Nelson <Tia.Nelson@wisconsin.gov>  
**To:** Roy Thilly <RThilly@wppienergy.org>

**Sent:** 4/12/2010 1:39:04 PM  
**Subject:** Preparation of /2

Hello, again.

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David L. Lovell, Senior Analyst  
Wisconsin Legislative Council Staff  
608/266-1537

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> **From:** Bier, Beth  
> **Sent:** Monday, April 12, 2010 12:01 PM  
> **To:** Lovell, David; Stolzenberg, John; Nelson, Tia - BCPL; Schooff, Dan - DOA; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Rep.Black; Peters, Steven; Shannon-Bradley, Summer; 'Roy Thilly'

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facility that is located in Manitoba, Canada, that has a rated capacity of 60 megawatts or  
more, and that is first placed in service on or after the effective date of this subd. 1r.  
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> First Nations and it's compliance with Canadian law; and  
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> Such filings shall be subject to public comment. Within ninety (90) days of receiving  
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> To: Stolzenberg, John; Nelson, Tia - BCPL; Schooff, Dan - DOA; Bier,  
> Beth; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Rep.Black;  
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> We have the stripes for the amendment. Please let us know when you need them. We probably should hold on to them until a decision is made whether there will be a redraft, since they would have to be returned to LRB in that case.

> John and I are working on a summary -- in outline format -- of the major differences between the bill and the draft sub. We hope to have this to you by late morning.

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> Wisconsin Legislative Council Staff  
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> John Stolzenberg  
> Wisconsin Legislative Council  
> 608-266-2988

> << File: 09-4533P1493.PDF >>

## Kunkel, Mark

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**Sent:** Monday, April 12, 2010 1:46 PM  
**To:** 'Roy Thilly'; Lovell, David; Schooff, Dan - DOA  
**Cc:** Tradewell, Becky; Kunkel, Mark  
**Subject:** RE: Preparation of /2

I'm sorry, I did mean to include commitment to community.

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> << File: 09s0423/1 >>

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> John Stolzenberg  
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> 608-266-2988  
>  
> << File: 09-4533P1493.PDF >>

## Kunkel, Mark

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**From:** Rep.Black  
**Sent:** Monday, April 12, 2010 2:07 PM  
**To:** Lovell, David; Bier, Beth; Stolzenberg, John; Nelson, Tia - BCPL; Schooff, Dan - DOA; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Peters, Steven; Shannon-Bradley, Summer; 'Roy Thilly'  
**Cc:** Kunkel, Mark; Tradewell, Becky  
**Subject:** RE: Preparation of /2  
**Attachments:** 0455/2

At risk of duplicate email, here is the study for marathon engines that should be included. Amendment attached



04552.pdf (6 KB)

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**To:** Bier, Beth; Stolzenberg, John; Nelson, Tia - BCPL; Schooff, Dan - DOA; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Rep.Black; Peters, Steven; Shannon-Bradley, Summer; 'Roy Thilly'  
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**ASSEMBLY AMENDMENT ,  
TO 2009 ASSEMBLY BILL 649**

1           At the locations indicated, amend the bill as follows:

**LEGISLATIVE COUNCIL STAFF PREFATORY NOTE:** This amendment defines “microcogeneration equipment” in a way that describes the “Ecopower” product of Marathon Engine Systems. The amendment directs the administrator of the Focus on Energy program to conduct a study of the technology and, if the administrator finds that the technology offers a cost-effective means to conserving energy, to implement elements of the Focus on Energy program to promote use of the equipment.

2           **1.** Page 171, line 25: after that line insert:

3           **“(4) (a)** In this subsection, “microcogeneration equipment” means equipment that  
4 produces electricity and heat for space or water heating through the combustion of natural gas  
5 or liquid propane gas, to which all of the following apply:

6           1. The equipment has a rated electric generation capacity of not more than 20 kilowatts.

7           2. The equipment captures not less than 85% of the energy content of the fuel in the form  
8 of electricity or usable heat.

9           3. The equipment modulates its electric power output to match the electric power  
10 demand of the load it serves.

11           (b) The administrator of the statewide programs, as defined in section 196.374 (1) (mb)  
12 of the statutes, contracted under section 196.374 (2) (a) of the statutes to conduct residential  
13 energy efficiency and conservation programs shall conduct a study of microcogeneration  
14 equipment, including the availability and reliability of the equipment, the cost of acquiring,  
15 installing, and operating the equipment, and the energy savings that can be realized by  
16 replacement of existing equipment commonly in use with microcogeneration equipment. If

1 the administrator finds that microcogeneration equipment has reasonable potential to cost  
2 effectively reduce the use of fossil fuels while meeting the electric power and heating needs  
3 of residential buildings, the administrator shall include in the residential energy efficiency and  
4 conservation programs elements to promote microcogeneration equipment, including  
5 financial assistance or incentives to the owners of residential buildings for the purchase and  
6 installation of microcogeneration equipment and elements to provide education to residential  
7 building owners regarding the availability of the equipment and and to provide education and  
8 training to persons in the building trades regarding the installation and maintenance of the  
9 equipment.”.

10 (END)

## Kunkel, Mark

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**From:** Roy Thilly [RThilly@wppienergy.org]  
**Sent:** Monday, April 12, 2010 2:44 PM  
**To:** Bier, Beth; Lovell, David; Roy Thilly  
**Cc:** Stolzenberg, John; Kunkel, Mark  
**Subject:** Re: Preparation of /2

**Importance:** High

**\*\* High Priority \*\***

Should be utility supplemental or utility administered. Supplemental are above and beyond administered.

-----Original Message-----

From: "Lovell, David" <David.Lovell@legis.wisconsin.gov>  
To: Beth Bier <Beth.Bier@legis.wisconsin.gov>  
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To: Roy Thilly <RThilly@wppienergy.org>

Sent: 4/12/2010 1:55:05 PM  
Subject: RE: Preparation of /2

Yes, it is now drafted that the labor standards apply to utility-administered programs, state-wide programs, and contracts with WECC.

Now, just so that I am clear, the instructions are to allow conservation certificates to be created based on conservation investments made under utility-administered programs and c-to-c programs, but NOT the statewide programs or supplemental utility programs or anything done under contract by WECC, and the labor standards requirement applies to certificates created by utility program investments only -- right?

---

David L. Lovell, Senior Analyst  
Wisconsin Legislative Council Staff  
608/266-1537

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I believe that's the way it is in the bill now, correct?

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The labor standards should apply to the utility programs, not the commitment to community programs.

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> From: Lovell, David  
> Sent: Monday, April 12, 2010 9:49 AM  
> To: Stolzenberg, John; Nelson, Tia - BCPL; Schooff, Dan - DOA; Bier,  
> Beth; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Rep.Black;  
> Peters, Steven; Shannon-Bradley, Summer; Roy Thilly  
> Subject: Substitute amendment -- the right draft this time

>  
>  
> My apologies for attaching the wrong draft -- here's the whole  
enchilada.

>  
> David L. Lovell, Senior Analyst  
> Wisconsin Legislative Council Staff  
> 608/266-1537

>  
> << File: 09s0423/1 >>

>  
>  
> From: Peters, Steven >  
> Sent: Monday, April 12, 2010 9:44 AM  
> To: Lovell, David  
> Subject: RE: Substitute amendment

>  
> David,

>  
> That is not the complete sub. It is just the nuclear portion. Also  
there was not a copy sent to Rep. Soletski or I on Saturday.

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> Steven

>  
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> From: Lovell, David  
> Sent: Monday, April 12, 2010 9:11 AM  
> To: Stolzenberg, John; 'Roy Thilly'; Nelson, Tia - BCPL; Schooff, Dan  
> - DOA; Bier, Beth; Maycroft, John; Rep.Soletski; Sen.Miller;  
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> Good morning, all --

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> As you know by now, a complete draft of a substitute amendment was  
completed over the weekend. I sent a copy to you on Saturday, and it is attached to this  
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> We have the stripes for the amendment. Please let us know when you  
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> John and I are working on a summary -- in outline format -- of the  
major differences between the bill and the draft sub. We hope to have this to you by late  
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>  
> David & John  
>  
> David L. Lovell, Senior Analyst  
> Wisconsin Legislative Council Staff  
> 608/266-1537  
>  
> John Stolzenberg  
> Wisconsin Legislative Council  
> 608-266-2988  
>  
> << File: 09-4533P1493.PDF >>

## ***Clean Energy Jobs Act – April 6 Bill Draft (PSC Comments, April 8, 2010)***

Note: PSC is in general agreement with the comments of Roy Thilly, dated 4/7/10, with two exceptions. The first is with respect to the suggestion that lines 7 – 15, on page 21 of the engrossed Energy Efficiency draft, should be deleted. These provisions were part of Act 141 and have recently been used by the PSC. PSC advises against their deletion. **Agree, we left it in last night, I believe, so cap can go up.** The second exception relates to the suggestion relating to lines 3 – 11, on page 19 of the engrossed RPS draft. While it should be clear that non-electric credits may be tracked as part of the regional tracking system, they should not be transferred into RECs. **Also covered last night by being silent. Orion needs to understand that nothing in the bill will stop them for qualifying for MRETS and the being treated as a REC.**

### **Energy Efficiency**

1. **Engrossed version, p. 6, lines 7 – 8 [LRB-4533/P1, p. 15, lines 13 – 15].** This prohibits municipal utilities and coops from participating in the DG renewable grants regardless of whether they contribute. That should probably be changed, so that their participation hinges on their contribution. Similarly, the draft should make clear that munis and coops have to contribute to the 0.2% (not just the 1.2% floor) to get the benefit of the additional (i.e., 0.2%) DG renewable grants. **Done.**
2. **Engrossed version, p. 9, lines 16 – 24 thru p. 11, lines 8 – 13 [LRB-4533/P1, pp. 19 – 22].** The draft appears to require an illogical ordering of events for the new quadrennial planning process. As the draft is written, it requires first the process (i.e., hearing, contested case, etc.), then a potential study, and finally the setting of goals. The potential study should come first, then the required hearing and related process, and finally the goal setting. **Agree.**
3. **Engrossed version, p. 16, lines 21 – 23 [LRB-4533/P1, p. 25, lines 19 – 22].** The draft requires the Commission to pay for an audit of “large energy customer” programs. Current rules require the large energy customers to hold back funds to pay for these same audits. It is not clear how the Commission will fund the “large energy customer” program audits, under this new requirement. **They will figure it out?**
4. **Engrossed version, p. 2, line 17 [LRB-4533/P1, p. 11, line 22].** The new definition of “load management program,” by adding the words “or member,” expands the covered statewide programs to include those between wholesale suppliers and their members – i.e., other utilities (rather than retail customers). It isn't clear whether this is a deliberate policy change or an attempt at a technical update. **Strike member. Change not intended or discussed.**

### **RPS**

1. **Engrossed version, p. 1, lines 13 – 14 [LRB-4533/P1, p. 43, lines 9 -10].** The statement that Minnesota, Iowa and Dakota wind is the “most abundant and affordable source” of meeting the RPS is not necessarily accurate. Canadian hydro, for example, is likely more “affordable.” A simple fix here could include adding the words “some of” before “the most abundant and affordable”; or, in the alternative, the words “and affordable” could be removed. **I would leave as is. It is true for wind which is the intent. Shows need for in-state requirement. None of us know what Canadian hydro will costs. Will depend in significant part on how costs of associated transmission are allocated. Findings only matter if there is a constitutional challenge.**



- delete to Sub 6 m*
2. **Engrossed version, p. 3, lines 24 – 25 [LRB-4533/P1, p. 45, lines 2-3].** It is unclear what this provision means. Both the electric and thermal output from thermal conversion products are incorporated elsewhere (as parts of the definitions of “renewable energy” and “non-electric energy”). It is not clear what it would mean to treat a thermal conversion product “sold as fuel and not used in a boiler” as eligible non-electric energy. **Also, no sure why this provision is needed.**
3. **Engrossed version, pp. 3 – 5, various lines [LRB-4533/P1, pp. 44 – 46, various lines].** Wherever the phrase “multiplied by a proportion of the fuel” is used, it needs to be changed. The ratio should be tied to energy content, not fuel volume. This is largely a technical, drafting issue, but one with very significant ramifications. **Agree, done last night.**
4. **Engrossed version, p. 4, lines 5 – 7 [LRB-4533/P1, p. 45, lines 10-12].** The definition of “pelletized waste” is extremely broad. As currently drafted, a pellet comprised entirely of plastic could be used for RPS compliance. **Agree.**
- check that thermal conversion product is deleted*
5. **Engrossed version, p. 5, line 14 [LRB-4533/P1, p. 46, line 9].** The phrase “purchases in” should be changed to “elects to use.” The purchase of a conservation certificate does not automatically require the electric provider to use the certificate that year, as they are allowed to resell the certificate. The phrase “elects to use” is already included in the draft to describe the use of portfolio credits. **Agree.**
6. **Engrossed version, p. 6, lines 20 – 24 [LRB-4533/P1, p. 46, lines 17-22].** This definition needs some clarification. On the second line, delete the comma after “including wood” to clarify that “or residue” refers to “plant material.” Also, the rest of the definition needs clarification. It seems to say a thermal conversion product is “a product produced from the conversion of [materials] into energy that is intended to displace fossil fuel use in this state.” Is the product the energy? Is the product intended to displace fossil fuel use, or is the energy intended to displace fossil fuel use? The term “thermal conversion product” is used in the draft as if it is a fuel source. PSC staff is available to assist with clarifying this definition. **Not sure.**
- 20*
7. **Engrossed version, p. 9, lines 17 – 21 [LRB-4533/P1, p. 49, line 8 and 11].** In both instances, the phrase “to a percentage” should be inserted before the words “in excess of”. This is necessary to reflect the intent. Otherwise, it is not clear whether the 20% “cap” here means 20% above the baseline or 20% total. The additional words clarify that it’s 20% total. **Agree.** An alternative would be to replace the words “not required to increase its renewable energy percentage” with “not required to [provide/maintain] a renewable energy percentage.”
8. **Engrossed version, p. 10, lines 15 – 19 [LRB-4533/P1, p. 50, lines 5 – 10].** This requires redrafting to reflect what’s intended. As is, there will be confusion about whether distributed renewables receive 1.25 credits, which has implications for the regional credit market and tracking systems, or whether distributed renewables are multiplied by 1.25 when calculating the renewable energy percentage, which is relevant only in Wisconsin and which presumably is the intent. The clearest solution may be to address the multiplier concept within the definitions of “Renewable energy percentage” and “In-state percentage.” Other approaches might work just as well, but in any event, it would be best to be very specific. PSC staff is available to assist with drafting this concept correctly without unintended consequences. **Applies to renewable energy percentage, not for tracking system, but can be resold.**
9. **Engrossed version, p. 11, line 19 [LRB-4533/P1, p. 51, line 10].** Change 2013 to 2015. **Agree, done last night.**

10. **Engrossed version, p. 18, lines 5 – 7 [LRB-4533/P1, p. 55, lines 14-16].** This provision may have unintended consequences. It restricts the use of credits that come from the “2001-2003 average” hydro, as well as credits from hydro owned or operated by the electric provider placed in service after Jan. 1, 2004. It makes sense to restrict the “average” hydro production credits since they do not represent actual generated megawatt-hours, but it is not clear why an electric provider would be restricted with regard to credits from “new” hydro owned or operated by the electric provider. PSC staff is available to discuss this in more detail. **Agree, should apply to (2) (b) 1m. a only.**

11. **Engrossed version, p. 18, line 15 [LRB-4533/P1, p. 55, line 24].** It may be useful to delete “outside this state” as it is unnecessary and may create the misimpression that in-state credits don’t need to be part of a regional tracking system. **Agree.**

12. **Engrossed version, p. 19, line 10 [LRB-4533/P1, p. 56, line 19].** The phrase “require a reduction based on” is somewhat confusing. A possible change could include replacing the phrase with “reduce the megawatt hour equivalent to account for.” **Ok.**

13. **Engrossed version, p. 20, line 5 – 7 [LRB-4533/P1, p. 57, lines 16-18].** The definition of “eligible facility” is somewhat confusing. Revise to state “a facility operated by a large commercial, industrial, governmental, or institutional customer or member of an electric provider.” The term “operator” is used in subsequent provisions regarding who creates a conservation certificate. **Discussed last night. Use of the word operator eliminated. It is installation of the improvement – the project – that matters, not subsequent operation of the lights or motors. I believe this has been fixed.**

14. **Engrossed version, p. 25, line 24 [LRB-4533/P1, p. 80, line 6].** Insert “(b) after the word “paragraph” (missing in the engrossed version only). **Above my pay grade.**

15. **Engrossed version, p. 26, lines 7 – 16 [LRB-4533/P1, p. 80, line 22 thru p. 81, line 6].** It is not clear why emergency rules are required if PSC may proceed without any rules in effect under (c). The emergency rule requirement could slow down the permanent rules. **Not sure.**

#### Nuclear

1. **LRB-4533/P1, p. 65, lines 11 – 13.** The inserted language may not be necessary since the “reasonable needs” test is now the governing standard for new nuclear facilities (this insertion isn’t included in the engrossed version). **Need to include so people see it.**

2. **Engrossed version, p. 6, line 12 [LRB-4533/P1, p. 79, line 6].** The reference to 196.65(1g) should be to (1g)(a); and the reference to 196.66(1g) should be to (1g)(a). ?

- *Waiting on additional nuclear provisions, as well.*

## Kunkel, Mark

---

**From:** Bier, Beth  
**Sent:** Monday, April 12, 2010 3:03 PM  
**To:** Kunkel, Mark; 'Roy Thilly'; Lovell, David; Schooff, Dan - DOA  
**Cc:** Tradewell, Becky  
**Subject:** RE: Preparation of /2

**Attachments:** Manitoba revision.doc



Manitoba  
revision.doc (29 KB)

It is not okay to make the changes taking out the permit and approval language.

I have sent the doc back tracking the changes that need to be made.

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From: Kunkel, Mark  
Sent: Monday, April 12, 2010 2:51 PM  
To: Bier, Beth; 'Roy Thilly'; Lovell, David; Schooff, Dan - DOA  
Cc: Tradewell, Becky  
Subject: RE: Preparation of /2

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See the attachment showing how I would change the language.

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Sent: Monday, April 12, 2010 1:46 PM  
To: 'Roy Thilly'; Lovell, David; Schooff, Dan - DOA  
Cc: Tradewell, Becky; Kunkel, Mark  
Subject: RE: Preparation of /2

I'm sorry, I did mean to include commitment to community.

-----Original Message-----

From: Roy Thilly [mailto:RThilly@wppienergy.org]  
Sent: Monday, April 12, 2010 1:42 PM  
To: Bier, Beth; Lovell, David; Maycroft, John; Stolzenberg, John; Rep.Black; Rep.Soletski; Sen.Miller; Sen.Plale; Peters, Steven; Shannon-Bradley, Summer; Schooff, Dan - DOA; Nelson, Tia - BCPL; Roy Thilly  
Cc: Tradewell, Becky; Kunkel, Mark  
Subject: Re: Preparation of /2

On certificates. Also committment to community programs.

-----Original Message-----

From: "Lovell, David" <David.Lovell@legis.wisconsin.gov>  
Cc: Becky Tradewell <Becky.Tradewell@legis.wisconsin.gov>  
To: Beth Bier <Beth.Bier@legis.wisconsin.gov>  
To: John Maycroft <John.Maycroft@legis.wisconsin.gov>  
To: John Stolzenberg <John.Stolzenberg@legis.wisconsin.gov>  
Cc: Mark Kunkel <Mark.Kunkel@legis.wisconsin.gov>  
To: Rep.Black <Rep.Black@legis.wisconsin.gov>

To: Rep.Soletski <Rep.Soletski@legis.wisconsin.gov>  
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To: Tia - BCPL Nelson <Tia.Nelson@wisconsin.gov>  
To: Roy Thilly <RThilly@wppienergy.org>

Sent: 4/12/2010 1:39:04 PM  
Subject: Preparation of /2

Hello, again.

Per Beth's instruction, we are going to work with LRB to get a /2 prepared today, consisting of the following changes:

Manitoba: the language below

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In addition, we will go through the list of suggestions from Nate Zolick, and include as many of his suggestions as appear appropriate. If we encounter items in tht list that are more than technical, we will contact you for sign-off.

Finally, we will include a few technical fixes we were not able to get into /1.

If this proposed course of action is not what you intend, please let us know.

David L. Lovell, Senior Analyst  
Wisconsin Legislative Council Staff  
608/266-1537

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> From: Bier, Beth  
> Sent: Monday, April 12, 2010 12:01 PM  
> To: Lovell, David; Stolzenberg, John; Nelson, Tia - BCPL; Schooff, Dan - DOA; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Rep.Black; Peters, Steven; Shannon-Bradley, Summer; 'Roy Thilly'  
> Subject: RE: Substitute amendment -- the right draft this time  
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> This appears to be the agreed upon language for Manitoba. Please draft this for the /2. It is very important that the language appear just as it is here.  
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> For the drafting group > -> there are still final signoffs on this that are anticipated soon, but it seemed important to get it into the sub. Let me know any questions.  
> Thanks,  
> Beth  
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> c. Renewable resource credits associated with electricity derived from a hydroelectric facility that is located in Manitoba, Canada, that has a rated capacity of 60 megawatts or more, and that is first placed in service on or after the effective date of this subd. 1r. c. .... [LRB inserts date], shall be included in a renewable energy percentage only if (i) the province of Manitoba has informed the commission in writing that the interim licenses under which the Lake Winnipeg Regulation Project and the Churchill River Diversion Project were operating on the effective date of this subd. 1r. c. .... [LRB inserts date], have been replaced by final licenses after the completion of a Crown-Aboriginal consultation process as required under Canadian law, and (ii) the final licenses are in effect under Canadian law.

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> << File: 09s0423/1 >>  
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> David & John

>

> David L. Lovell, Senior Analyst

> Wisconsin Legislative Council Staff

> 608/266-1537

>

> John Stolzenberg

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>

> << File: 09-4533P1493.PDF >>

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## Kunkel, Mark

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**From:** Bier, Beth  
**Sent:** Monday, April 12, 2010 3:20 PM  
**To:** Kunkel, Mark; 'Roy Thilly'; Lovell, David; Schooff, Dan - DOA  
**Cc:** Tradewell, Becky  
**Subject:** RE: Preparation of /2

No. I'm sorry if it doesn't quite make sense, but that's the way it has be.

-----Original Message-----

From: Kunkel, Mark  
Sent: Monday, April 12, 2010 3:09 PM  
To: Bier, Beth; 'Roy Thilly'; Lovell, David; Schooff, Dan - DOA  
Cc: Tradewell, Becky  
Subject: RE: Preparation of /2

The problem is that the language doesn't otherwise mention permits and approvals. So, when you refer to permits and approvals required under subd. 1r. c., and I look at subd. 1r. c. and it doesn't say anything about permits and approvals, I don't know what's going on. Should a reference to permits and approvals be added to subd. 1r. c.?

-----Original Message-----

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Sen.Miller; Sen.Plale; Peters, Steven; Shannon-Bradley, Summer; Schooff, Dan - DOA;  
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> For the drafting group > -> there are still final signoffs on this that are anticipated soon, but it seemed important to get it into the sub. Let me know any questions.

> Thanks,

> Beth

>

> c. Renewable resource credits associated with electricity derived from a hydroelectric facility that is located in Manitoba, Canada, that has a rated capacity of 60 megawatts or more, and that is first placed in service on or after the effective date of this subd. 1r. c. .... [LRB inserts date], shall be included in a renewable energy percentage only if (i) the province of Manitoba has informed the commission in writing that the interim licenses under which the Lake Winnipeg Regulation Project and the Churchill River Diversion Project were operating on the effective date of this subd. 1r. c. .... [LRB inserts date], have been replaced by final licenses after the completion of a Crown-Aboriginal consultation process as required under Canadian law, and (ii) the final licenses are in effect under Canadian law.

>

> Manitoba shall file with the commission:

>

> (i) all final approvals, licenses and permits required above;

>

> (ii) a written report setting forth the processes followed to obtain

> such final approvals, licenses and permits;

>

> (iii) a report summarizing the consultation processes with impacted

> First Nations and it's compliance with Canadian law; and

>

> (iv) all agreements with impacted First Nations related to CRD and LWR.

>

> Such filings shall be subject to public comment. Within ninety (90) days of receiving the filings required under this subsection the commission shall prepare and deliver a report to the Wisconsin State Legislature summarizing such filings and the comments received on them.

>

>

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>

>

>

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> From: Lovell, David

> Sent: Monday, April 12, 2010 9:49 AM

> To: Stolzenberg, John; Nelson, Tia - BCPL; Schooff, Dan - DOA; Bier,

> Beth; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Rep.Black;

> Peters, Steven; Shannon-Bradley, Summer; Roy Thilly

> Subject: Substitute amendment -- the right draft this time

>

>

> My apologies for attaching the wrong draft -- here's the whole enchilada.

>

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> David L. Lovell, Senior Analyst

> Wisconsin Legislative Council Staff

> 608/266-1537

>

> << File: 09s0423/1 >>

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>

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> From: Peters, Steven >

> Sent: Monday, April 12, 2010 9:44 AM

> To: Lovell, David

> Subject: RE: Substitute amendment

>

> David,

>

> That is not the complete sub. It is just the nuclear portion. Also there was not a copy sent to Rep. Soletski or I on Saturday.

>

> Steven

>

>

> From: Lovell, David  
> Sent: Monday, April 12, 2010 9:11 AM  
> To: Stolzenberg, John; 'Roy Thilly'; Nelson, Tia - BCPL; Schooff, Dan  
> - DOA; Bier, Beth; Maycroft, John; Rep.Soletski; Sen.Miller;  
> Sen.Plale; Rep.Black; Peters, Steven; Shannon-Bradley, Summer  
> Subject: Substitute amendment  
>  
>  
> Good morning, all --  
>  
> As you know by now, a complete draft of a substitute amendment was completed over the weekend. I sent a copy to you on Saturday, and it is attached to this message, as well, just for good measure.  
>  
> We have the stripes for the amendment. Please let us know when you need them. We probably should hold on to them until a decision is made whether there will be a redraft, since they would have to be returned to LRB in that case.  
>  
> John and I are working on a summary -- in outline format -- of the major differences between the bill and the draft sub. We hope to have this to you by late morning.  
>  
> David & John  
>  
> David L. Lovell, Senior Analyst  
> Wisconsin Legislative Council Staff  
> 608/266-1537  
>  
> John Stolzenberg  
> Wisconsin Legislative Council  
> 608-266-2988  
>  
> << File: 09-4533P1493.PDF >>

## Kunkel, Mark

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**From:** Bier, Beth  
**Sent:** Monday, April 12, 2010 4:11 PM  
**To:** Lovell, David; Stolzenberg, John; Nelson, Tia - BCPL; Schooff, Dan - DOA; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Rep.Black; Peters, Steven; Shannon-Bradley, Summer; 'Roy Thilly'  
**Cc:** Kunkel, Mark; Tradewell, Becky  
**Subject:** RE: Preparation of /2

On the conservation certificates, please change the date from 2014 to 2013. Thanks!

---

**From:** Lovell, David  
**Sent:** Monday, April 12, 2010 1:39 PM  
**To:** Bier, Beth; Stolzenberg, John; Nelson, Tia - BCPL; Schooff, Dan - DOA; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Rep.Black; Peters, Steven; Shannon-Bradley, Summer; 'Roy Thilly'  
**Cc:** Kunkel, Mark; Tradewell, Becky  
**Subject:** Preparation of /2

Hello, again.

Per Beth's instruction, we are going to work with LRB to get a /2 prepared today, consisting of the following changes:

**Manitoba:** the language below

**Conservation certificates:** (a) credits applied after 2014 must be from conservation investments made after 2014; and (b) only investments made through utility-administered programs and supplemental utility programs can generate conservation certificates.

In addition, we will go through the list of suggestions from Nate Zolick, and include as many of his suggestions as appear appropriate. If we encounter items in the list that are more than technical, we will contact you for sign-off.

Finally, we will include a few technical fixes we were not able to get into /1.

If this proposed course of action is not what you intend, please let us know.

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David L. Lovell, Senior Analyst  
Wisconsin Legislative Council Staff  
608/266-1537

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**From:** Bier, Beth  
**Sent:** Monday, April 12, 2010 12:01 PM  
**To:** Lovell, David; Stolzenberg, John; Nelson, Tia - BCPL; Schooff, Dan - DOA; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Rep.Black; Peters, Steven; Shannon-Bradley, Summer; 'Roy Thilly'  
**Subject:** RE: Substitute amendment -- the right draft this time

This appears to be the agreed upon language for Manitoba. Please draft this for the /2. It is very important that the language appear just as it is here.

For the drafting group -- there are still final signoffs on this that are anticipated soon, but it seemed important to get it into the sub. Let me know any questions.

Thanks,  
Beth

c. Renewable resource credits associated with electricity derived from a hydroelectric facility that is located in Manitoba,

Canada, that has a rated capacity of 60 megawatts or more, and that is first placed in service on or after the effective date of this subd. 1r. c. .... [LRB inserts date], shall be included in a renewable energy percentage only if (i) the province of Manitoba has informed the commission in writing that the interim licenses under which the Lake Winnipeg Regulation Project and the Churchill River Diversion Project were operating on the effective date of this subd. 1r. c. .... [LRB inserts date], have been replaced by final licenses after the completion of a Crown-Aboriginal consultation process as required under Canadian law, and (ii) the final licenses are in effect under Canadian law.

Manitoba shall file with the commission:

- (i) all final approvals, licenses and permits required above;
- (ii) a written report setting forth the processes followed to obtain such final approvals, licenses and permits;
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- (iv) all agreements with impacted First Nations related to CRD and LWR.

Such filings shall be subject to public comment. Within ninety (90) days of receiving the filings required under this subsection the commission shall prepare and deliver a report to the Wisconsin State Legislature summarizing such filings and the comments received on them.

---

**From:** Lovell, David

**Sent:** Monday, April 12, 2010 9:49 AM

**To:** Stolzenberg, John; Nelson, Tia - BCPL; Schooff, Dan - DOA; Bier, Beth; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Rep.Black; Peters, Steven; Shannon-Bradley, Summer; Roy Thilly

**Subject:** Substitute amendment -- the right draft this time

My apologies for attaching the wrong draft -- here's the whole enchilada.

---

David L. Lovell, Senior Analyst  
Wisconsin Legislative Council Staff  
608/266-1537

<< File: 09s0423/1 >>

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**From:** Peters, Steven  
**Sent:** Monday, April 12, 2010 9:44 AM  
**To:** Lovell, David  
**Subject:** RE: Substitute amendment

David,

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Steven

---

**From:** Lovell, David

**Sent:** Monday, April 12, 2010 9:11 AM

**To:** Stolzenberg, John; 'Roy Thilly'; Nelson, Tia - BCPL; Schooff, Dan - DOA; Bier, Beth; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Rep.Black; Peters, Steven; Shannon-Bradley, Summer

**Subject:** Substitute amendment

Good morning, all --

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We have the stripes for the amendment. Please let us know when you need them. We probably should hold on to them until a decision is made whether there will be a redraft, since they would have to be returned to LRB in that case.

John and I are working on a summary -- in outline format -- of the major differences between the bill and the draft sub. We hope to have this to you by late morning.

David & John

---

David L. Lovell, Senior Analyst  
Wisconsin Legislative Council Staff  
608/266-1537

John Stolzenberg  
Wisconsin Legislative Council  
608-266-2988

<< File: 09-4533P1493.PDF >>

2. Add a new provision that directs Commerce to  
inform  
educate owners of construction sites of their  
responsibilities under 5.346.947(7) [Page 131/line 29]

3.

## Gary, Aaron

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**To:** Gary, Aaron  
**Subject:** RE: Preparation of /2

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**From:** Gary, Aaron  
**Sent:** Monday, April 12, 2010 4:07 PM  
**To:** Lovell, David; Stolzenberg, John  
**Cc:** Kite, Robin  
**Subject:** RE: Preparation of /2

John,  
What I said below doesn't exactly work: Here's the provision that I worked up with Robin. Call me as soon as you have a chance:

"101.02 (22) The department shall inform owners of construction sites of their responsibilities under s. 346.947 (7). The department may fulfill this duty by any reasonable means, including notice on any applicable form prepared by the department."

Thanks. Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

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**From:** Gary, Aaron  
**Sent:** Monday, April 12, 2010 3:49 PM  
**To:** Lovell, David; Stolzenberg, John  
**Cc:** Kite, Robin  
**Subject:** RE: Preparation of /2

Here's my plan and I hope it works. I will just make a blanket statement under 101.02 to the effect that: The department shall inform owners of construction sites of their responsibilities under s. 346.947 (7). The department may fulfill this responsibility by including notice on any applicable building permit form prepared by the department.

or something like that.

Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

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**From:** Gary, Aaron  
**Sent:** Monday, April 12, 2010 3:43 PM  
**To:** Stolzenberg, John  
**Cc:** Lovell, David  
**Subject:** RE: Preparation of /2



One follow up: I talked to the Commerce drafter (Robin Kite) and we are wondering how this would actually work. We can include a provision requiring Commerce to notify construction site owners of the responsibility, but how will Commerce know who to notify?

Robin said that one possibility around this problem is to require Commerce, which develops the construction permit forms, to require the notice to be put on the forms. Is this OK?

Aaron

Aaron R. Gary

*Attorney, Legislative Reference Bureau*

608.261.6926 (voice)

608.264.6948 (fax)

*aaron.gary@legis.state.wi.us*

---

**From:** Stolzenberg, John  
**Sent:** Monday, April 12, 2010 2:59 PM  
**To:** Lovell, David; Bier, Beth; Nelson, Tia - BCPL; Schooff, Dan - DOA; Maycroft, John; Rep.Soletski; Sen.Miller; Sen.Plale; Rep.Black; Peters, Steven; Shannon-Bradley, Summer; 'Roy Thilly'  
**Cc:** Kunkel, Mark; Tradewell, Becky  
**Subject:** RE: Preparation of /2

The new idling reduction initiative in the /1 version specifies that owners of construction sites have the responsibility to identify on their construction plans the locations of nearby facilities containing sensitive populations (schools, etc.). Since these owners are not likely to be aware of this responsibility (it's placed in the motor vehicle statutes), I've asked LRB drafters to add to the /2 version of the sub a directive to the Department of Commerce to inform these owners of this responsibility.

Please let David or me know if you do not want this provision in the new version of the substitute amendment.

John

---

John Stolzenberg,  
Legislative Council  
266-2988